

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
WAUSAU UNDERWRITERS INSURANCE  
COMPANY and AXIS SPECIALTY INSURANCE  
COMPANY,

Plaintiffs,

-against-

QBE INSURANCE CORPORATION and  
SCOTTSDALE INSURANCE COMPANY,

Defendants.  
-----X

**SCOTTSDALE  
INSURANCE  
COMPANY'S REPLY  
TO CROSS-  
COMPLAINT**

Docket No.:  
06 CV 3212

Defendant, SCOTTSDALE INSURANCE COMPANY, by its attorneys, KRAL, CLERKIN, REDMOND, RYAN, PERRY & GIRVAN, LLP as and for a reply to QBE INSURANCE CORPORATION's cross-complaint contained in the verified answer of defendant, QBE INSURANCE CORPORATION respectfully responds as follows upon information and belief:

1. Denies each and every allegation contained in Paragraph "23" of the defendant QBE INSURANCE CORPORATION's cross-complaint.
2. Denies each and every allegation contained in Paragraph "24" of the defendant QBE INSURANCE CORPORATION's cross-complaint.

**WHEREFORE**, it is respectfully urged that the cross-complaint of the defendant, QBE INSURANCE CORPORATION, be dismissed in its entirety along with such other and further relief as this court deems just and proper.

Dated: Mineola, New York  
June 30, 2006

Yours, etc.,

KRAL, CLERKIN, REDMOND, RYAN,  
PERRY & GIRVAN, LLP

By: \_\_\_\_\_

Leonard Porcelli (LP5998)

Attorneys for Defendant

SCOTTSDALE INSURANCE COMPANY

69 East Jericho Turnpike

Mineola, N.Y. 11501

(516) 742-3470

File # 111059c

TO: JAFFE & ASHER, LLP  
Attorneys for Plaintiffs  
WAUSAU UNDERWRITERS INS.  
CO. and AXIS SPECIALTY INS. CO.  
600 Third Avenue, 9<sup>th</sup> Floor  
New York, New York 10016  
(212) 687-3000

William H. Bave, Jr. (0349)  
WILSON, BAVE, CONBOY, COZZA &  
COUZENS, P.C.  
Attorneys for Defendants  
QBE INSURANCE CORPORATION  
Two Williams Street  
White Plains, NY 10601  
(914) 686-9010

**VERIFICATION**

STATE OF NEW YORK     )  
                                      )  
COUNTY OF NASSAU     )

**LEONARD PORCELLI** an attorney admitted to practice in the Courts of New York State, states that he is a member of the law firm of KRAL, CLERKIN, REDMOND, RYAN, PERRY & GIRVAN, LLP, attorneys for Defendant, SCOTTSDALE INSURANCE COMPANY, in the within action, that he has read the foregoing **SCOTTSDALE INSURANCE COMPANY'S REPLY TO CROSS-COMPLAINT** and knows the contents thereof, that the same is true to his own knowledge, except for the matters therein stated to be alleged on information and belief, and that as to those matters he believes them to be true.

Affirmant further states that the reason this verification is made by your affirmant and not by the Defendant, is that the Defendant does not have his residence in Nassau County, the County in which affirmant has his offices.

The grounds of affirmant's belief as to all matters not stated upon affirmant's knowledge are as follows: Based on a review of the materials from and contents of litigation file thus far maintained by your affirmant's office.

Dated: Mineola, New York  
June 30, 2006

  
\_\_\_\_\_  
**LEONARD PORCELLI**

STATE OF NEW YORK )

COUNTY OF NASSAU ) ss:

**AMANDA R. MCCASKEY**, being duly sworn, deposes and says:

That she is the secretary for the attorney for the within named defendants

That she is over the age of 18 years, that she is not a party to the above-entitled action, and that on the 30 June 2006, she served the within **SCOTTSDALE INSURANCE COMPANY'S REPLY TO CROSS-COMPLAINT** upon the following attorney(s), in the following place(s) and in the following manner:

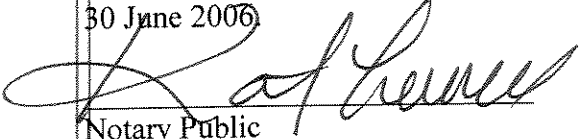
TO: JAFFE & ASHER, LLP  
Attorneys for Plaintiffs  
WAUSAU UNDERWRITERS INS.  
CO. and AXIS SPECIALTY INS. CO.  
600 Third Avenue, 9<sup>th</sup> Floor  
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WILSON, BAVE, CONBOY, COZZA &  
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Attorneys for Defendants  
QBE INSURANCE CORPORATION  
Two Williams Street  
White Plains, NY 10601  
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by depositing a copy of same properly enclosed in a post-paid wrapper in the official Depository maintained and exclusively controlled by the United States, directed to said entities, respectively, at said address(es) within the State designated for that purpose upon the last papers served in this action or the place where the above then kept offices, according to the best information which can be conveniently obtained.

  
AMANDA R. McCASKEY

Sworn to before me on this  
30 June 2006

  
Notary Public

**KATRINA NEWELL**  
Notary Public, State of New York  
No. 01NE6133071  
Qualified in Queens County 09  
Commission Expires September 6, 20